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Federal Communications Commission
Office of the Secretary



Paxson Communications Corporation

June 14, 2005

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The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th St., SW
Washington, D.C. 20554

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Federal Communications Commission
Bureau Office

Re: DTV Public Interest Obligations
MM Docket Nos. 99-360, 00-168

Dear Chairman Martin:

I am writing today to urge you to move forward swiftly with the Commission's pending proceeding to establish the public interest obligations of DTV broadcasters. Defining the public interest that broadcasters must serve and matching those interests with specific, ascertainable programming guidelines is a tough job, but the Commission's mandate from Congress demands it; the FCC has been considering these issues for six years and broadcasters need certainty so that they can continue to develop their DTV business plans with full knowledge of the governing regulatory framework. I believe that under your strong leadership, the Commission will be up to the task of completing this rulemaking.

I have been a broadcaster for more than 50 years and I am proud to say that my stations always have endeavored to uphold the very highest programming standards. Moreover, I have used the platform that my stations have provided me to exhort the industry to do more to serve the needs and interests of all their viewers. Those efforts have frequently brought me before the Commission, and I have energetically participated in the Commission's search for the right mix of market-based incentives and regulatory requirements.

I have advocated a voluntary code of broadcaster conduct for several years now. Under this model, the Commission would approve a set of guidelines that would roughly delineate broadcasters' obligations in the areas of public affairs and political programming. These would not be programming requirements, *per se*; but if a broadcaster certifies when it applies for license renewal that it has followed the code, the Commission would accept that self-certification as *prima facie* evidence that the broadcaster had fulfilled its public service obligations. I prefer this model to direct regulation because it allows broadcasters and the Commission to publicly proclaim their dedication to the public interest without embroiling ourselves in a long and fruitless First Amendment battle where viewers will be the chief losers. I strongly encourage you to take a serious look at this proposal, and I look forward to working with the Commission as it considers this and other options for completing the DTV public interest rulemaking.

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This matter is ripe for FCC action. No further filings are necessary and the Comments on file go back to the original Gore Commission Report. As the Commission recognized in its recent *Order* regarding DTV must-carry, resolving the public interest proceeding is of paramount importance for broadcasters and viewers alike. Regulatory uncertainty has caused chronic delays in the DTV transition, and uncertainty about public interest programming obligations has been a big part of those delays. What broadcasters need is full knowledge of the extent of their obligations so that they can formulate their DTV programming plans intelligently and with an eye toward providing the best possible public service to their viewers. I think you'll agree that over the six years the Commission has been considering these issues, it has developed a complete record that will be more than adequate to support measured public interest requirements.

But don't misunderstand me. PCC does not believe that public interest obligations must be imposed to ensure that broadcasters will serve the public interest – far from it. I believe that most broadcasters already provide exemplary public service and that they will meet and comfortably exceed any minimum standards the Commission is likely to set. Nonetheless, the removal of remaining uncertainty regarding DTV programming obligations will give broadcasters the peace of mind they need to begin the final planning stages of their DTV transition – a transition that now looks to be coming sooner than anyone has previously expected.

I have just one more recommendation. In adopting public interest guidelines, the Commission should follow the model it established when it recently adopted DTV broadcasters' children's programming obligations. Specifically, the Commission should afford DTV broadcasters the flexibility to schedule public interest programming in the manner the broadcaster believes will have the maximum effect. That means broadcasters who multicast should be permitted to air such programming on any or all of their digital channels and should be permitted to concentrate all or most of their public interest programming on a single channel. This approach would encourage the creation of numerous "mini-C-SPANs" all across the country.

Together, the Commission and broadcasters can stem the tide of filth that has swamped too much of today's video programming marketplace. But we need your leadership to move these efforts forward. The first step is to resolve this proceeding. Please let me know if and how PCC can assist you in bringing this proceeding to a successful conclusion.

Sincerely,

A handwritten signature in black ink, appearing to read "Lowell W. Paxson".

Lowell W. Paxson
Chairman and CEO
Paxson Communications Corporation

Chairman Kevin J. Martin

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cc: Commissioner Kathleen Q. Abernathy
Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein